

## HOUSE BILL NO. 130

INTRODUCED BY R. STOKER

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR STATE ~~MATCHING~~ FUNDS TO BE GRANTED TO COUNTIES FOR CRISIS INTERVENTION, JAIL DIVERSION, ~~AND~~ INVOLUNTARY PRECOMMITMENT, AND SHORT-TERM INPATIENT TREATMENT COSTS FOR THE MENTALLY ILL; REQUIRING RULEMAKING; PROVIDING AN APPROPRIATION; PROVIDING IMPLEMENTATION INSTRUCTIONS; REQUIRING A REPORT; AND PROVIDING AN EFFECTIVE DATE DATES."

WHEREAS, the 2007 Legislature passed House Joint Resolution No. 26, requesting an interim legislative study to examine diversion of mentally ill adults from the justice system, and House Joint Resolution No. 50, requesting a study to examine county precommitment costs related to involuntary commitment proceedings; and

WHEREAS, these studies were assigned to the Law and Justice Interim Committee; and

WHEREAS, after 14 months of testimony and examination of data and information from all stakeholders, the Law and Justice Interim Committee identified crisis intervention and jail diversion to be the most critical need and the most effective way to divert mentally ill individuals from the criminal justice system and recommends this bill as part of a package of bills to address this need; and

WHEREAS, the lack of local crisis intervention and jail diversion alternatives means counties must rely on the Montana State Hospital for emergency and court-ordered detention and evaluation, which increases county costs, strains the Montana State Hospital, and diverts resources from community-based services; and

WHEREAS, sections 53-21-138 and 53-21-139, MCA, originally enacted by the 1991 Legislature, provide a solid statutory framework for diversion of mentally ill adults from the justice system but do not provide state funding; and

WHEREAS, state matching funds granted to counties based on certain criteria ~~are~~, INCLUDING THE COMMITMENT OF COUNTY AND OTHER LOCAL FUNDS, IS an appropriate way to share costs and provide incentives for local resources to be spent on community-based treatment capacity rather than on jail capacity or on transportation to and capacity in the Montana State Hospital; and

WHEREAS, crisis intervention team training and collaboration between local law enforcement officers, mental health professionals, and private corporations can offer creative solutions that should be encouraged and

1 sustained; and

2 WHEREAS, counties should be encouraged to participate in a county self-insurance pool to help pay for  
3 unpredictable and sometimes financially catastrophic precommitment costs.

4  
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

6  
7 NEW SECTION. Section 1. State ~~matching fund grants for county crisis intervention, jail~~  
8 ~~diversion, and precommitment, AND SHORT-TERM INPATIENT TREATMENT costs.~~ (1) As soon as possible after July  
9 1 of each year, from funds appropriated by the legislature for the purposes of this section, the department shall  
10 grant ~~THROUGH EACH SERVICE AREA AUTHORITY, AS DEFINED IN 53-21-1001,~~ to each eligible county state ~~matching~~  
11 funds for ~~eligible county expenditures made in the previous fiscal year for:~~

12 (A) jail diversion and crisis intervention services to implement 53-21-138 and 53-21-139; ~~and for~~

13 (B) insurance coverage against catastrophic precommitment costs, if a county insurance pool is  
14 established pursuant to 2-9-211; AND

15 (C) SHORT-TERM INPATIENT TREATMENT. ~~The grant amount may not exceed 50% 75% of the county's~~  
16 ~~eligible expenditures and~~

17 (2) GRANT AMOUNTS must be ~~prorated~~ based on available funding. ~~The department shall develop a~~  
18 ~~mechanism to provide higher grant amounts to counties that~~ AND THE PROSPECTS THAT A COUNTY OR MULTICOUNTY  
19 PLAN SUBMITTED PURSUANT TO SUBSECTION (3) WILL, IF IMPLEMENTED, reduce their admissions to the state hospital  
20 for emergency and court-ordered detention and evaluation AND ULTIMATELY RESULT IN COST SAVINGS TO THE STATE.

21 (2)(3) In order to be eligible for the state ~~matching~~ funds, a county shall, in the time and manner  
22 prescribed by the department:

23 (a) apply for the funds AND INCLUDE IN THE GRANT APPLICATION A DETAILED PLAN FOR HOW THE COUNTY AND  
24 OTHER LOCAL ENTITIES WILL COLLABORATE AND COMMIT LOCAL FUNDS FOR THE MENTAL HEALTH SERVICES LISTED IN  
25 SUBSECTION (1);

26 (b) develop and submit to the department a county OR MULTICOUNTY jail diversion and crisis intervention  
27 services strategic plan pursuant to 53-21-138 and 53-21-139, including a plan for community-based or regional  
28 emergency and court-ordered detention and examination services AND SHORT-TERM INPATIENT TREATMENT;

29 (c) participate in a statewide or regional county insurance plan for precommitment costs under  
30 53-21-132, if a statewide or regional insurance plan has been established, as authorized under 2-9-211;

(d) participate in a statewide or regional jail suicide prevention program, if one has been established by the department for the state or for the region in which the county is situated;  
and

(e) collect and report data and information on county jail diversion ~~and~~ crisis intervention, AND SHORT-TERM INPATIENT TREATMENT services in the form and manner prescribed by the department to support program evaluation and measure progress on performance goals.

~~(3)(4)~~ The department shall ~~ADMINISTER THE GRANT PROGRAM THROUGH THE SERVICE AREA AUTHORITIES~~ AND adopt rules ~~BY JULY~~ AUGUST 1, 2009, to implement the provisions of this section ~~and to specify eligible expenses, SUBJECT TO SUBSECTION (4).~~

~~(4) Insurance premiums paid by counties pursuant to subsection (2)(c) must be considered an eligible expense under this section.~~

~~(4) ELIGIBLE EXPENSES UNDER THIS SECTION MUST INCLUDE:~~

~~(A) INSURANCE PREMIUMS PAID BY A COUNTY PURSUANT TO SUBSECTION (2)(C);~~

~~(B) CRISIS INTERVENTION TEAM TRAINING AND OPERATIONS PAID BY A COUNTY;~~

~~(C) PRECOMMITMENT COSTS PAID BY THE COUNTY PURSUANT TO 53-21-132; AND~~

~~(D) COUNTY EXPENDITURES FOR MENTAL HEALTH SERVICES IN DETENTION CENTERS.~~

~~NEW SECTION. Section 2. Appropriation. (1) There is appropriated from the general fund to the department of public health and human services:~~

~~(a) for fiscal year 2010, \$615,937 \$1,250,000; and~~

~~(b) for fiscal year 2011, \$615,937 \$1,250,000.~~

~~(2) The money appropriated in this section may be used only for the purposes of [section 1].~~

NEW SECTION. Section 2. Implementation -- report. (1) Implementation of the grant program established in [section 1] may be conducted in phases. However, it is the legislature's intent that the grant program be fully implemented by no later than ~~July 1, 2010~~ SEPTEMBER 1, 2009.

(2) ~~As soon as possible after July 1, 2010, UPON REQUEST,~~ the department shall report to the law and justice interim committee established in 5-5-226 on the implementation status of [section 1].

NEW SECTION. Section 3. Codification instruction -- instructions to code commissioner. (1)

[Section 1] is intended to be codified as an integral part of Title 53, chapter 21, and the provisions of Title 53, chapter 21, apply to [section 1].

(2) Sections 53-21-138 and 53-21-139 are intended to be renumbered and codified with [section 1] as an integral new part of Title 53, chapter 21.

**NEW SECTION. SECTION 4. COORDINATION INSTRUCTION.** IF BOTH HOUSE BILL NO. 645 AND [THIS ACT] ARE PASSED AND APPROVED AND IF HOUSE BILL NO. 645 DOES NOT INCLUDE LINE ITEM FUNDING FOR A COMMUNITY MENTAL HEALTH CRISIS SERVICES DEMONSTRATION PROJECT FOR THE PURPOSES OF [THIS ACT], THEN [THIS ACT] IS VOID.

**NEW SECTION. Section 5. Effective date: DATES.** ~~This (1)~~ EXCEPT AS PROVIDED IN SUBSECTION (2), [THIS act] is effective July 1, 2009.

~~(2) [SECTION 1(3) AND THIS SECTION]~~ [SECTIONS 1(4) AND 4 AND THIS SECTION] ARE EFFECTIVE ON PASSAGE AND APPROVAL.

- END -